

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

TRACY JACKSON,)	
)	
Plaintiff,)	
)	
v.)	No.: 3:10-CV-153
)	(VARLAN/GUYTON)
TOWN OF CARYVILLE, TENNESSEE, <i>et al.</i> ,)	
)	
Defendants.)	

ULESS JOE ARNOLD,)	
)	
Plaintiff,)	
)	
v.)	No.: 3:10-CV-240
)	(JORDAN/GUYTON)
TOWN OF CARYVILLE, TENNESSEE, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

These civil actions are before the Court on the Motion to Consolidate [Doc. 6], filed by defendants Town of Caryville, Tennessee, Caryville Police Department, Bill Widener, and Stephanie R. Smith, in which defendants request that this case, *Tracy Jackson v. Town of Caryville, et al.*, case number 3:10-CV-153 (Varlan/Guyton), be consolidated with *Uless Joe Arnold v. Town of Caryville, et al.*, case number 3:10-CV-240 (Jordan/Guyton), for case management, pretrial discovery, and for trial.¹ Plaintiff Tracy Jackson has not responded,

¹ A substantially similar motion to consolidate [*see* Doc. 8], was filed by defendants on July 22, 2010 in case number 3:10-CV-240. Plaintiff Uless Joe Arnold has not filed a response.

the time for doing so has passed, and the motion is ripe for determination. *See* E.D. TN. LR 7.1(a), 7.2.

Case number 3:10-CV-153, originally filed by plaintiff in this Court on April 12, 2010, asserts Fourth and Fourteenth Amendment violations stemming from an alleged unlawful arrest of plaintiff Tracy Jackson in May 2009 [*see* Doc. 1]. On April 30, 2010, plaintiff Uless Joe Arnold filed a case in the circuit court for Campbell County, Tennessee, asserting allegations relating to an unlawful arrest occurring in May 2009. On May 27, 2010, defendants removed plaintiff Uless Joe Arnold's case to federal court, where it became case number 3:10-CV-240.

Defendants assert that plaintiff Uless Joe Arnold's allegations arise out of the same transaction and occurrence, involve the same defendants, and assert the same allegations of wrongdoings as in case number 3:10-CV-153. Thus, defendants assert, these two cases are proper for joinder and consolidation.

In light of the lack of opposition, and upon the Court's review of defendants' motion to consolidate and the relevant law, the Court finds defendants' motions to be well-founded and that these cases arise out of the same facts, involve common questions of law and fact, involve substantially similar parties, and should therefore be consolidated. Fed. R. Civ. P. 42(a).

Defendants' motions to consolidate [Doc. 6 in case number 3:10-CV-153 and Doc. 8 in case number 3:10cv240] are hereby **GRANTED**. Accordingly, case number 3:10-CV-240 is hereby **CONSOLIDATED** with case number 3:10cv153. Case number 3:10-CV-153

will be the lead case and the parties are hereby **ORDERED** to file all pleadings in case number 3:10-CV-153.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE